

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA.

Plaintiff,

v.

FELIX KELLY PRAKASAM, et al.

Defendants.

Case No. C 05-00743 JF

ADMINISTRATIVE ORDER

On May 1, 2006, Defendants Felix K. Prakasam and Liliana P. Prakasam, proceeding *pro se*, filed a motion pursuant to Federal Rule of Civil Procedure 60(b)¹ for reconsideration of this Court's Order dated March 30, 2006, granting summary judgment for Plaintiff. Oral argument for this motion is currently scheduled for June 16, 2006. Plaintiff's counsel has not yet filed opposition to the motion apparently because counsel believed, pursuant to Civil Local Rule 7-9, that leave of Court was required to file a motion for reconsideration. However, Local Rule 7-9

¹ Defendants' motion appears to be more similar to a Federal Rule of Civil Procedure 59 motion than a Rule 60(b) motion. Accordingly, when it considers the merits of the motion, the Court may construe it as having been brought pursuant to Rule 59.

1 applies only to motions for reconsideration of interlocutory orders entered prior to final
2 judgment. Accordingly, Plaintiff shall file opposition to the instant motion by June 9, 2006.
3 Defendants shall file any reply by June 16, 2006. The hearing scheduled for June 16, 2006 shall
4 be vacated and the Court will consider the matter without oral argument, pursuant to Civil Local
5 Rule 7-1(b). If the Court later determines that oral argument is necessary, a new hearing date
6 will be scheduled.

7 IT IS SO ORDERED.

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9 DATED: May 31, 2006

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12 JEREMY FOGEL
United States District Court
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